

orig

CV 09 2947

US District Court For
The Eastern District of NY

BIANCO, J.

Gilbert Roman, Plaintiff,

COMPLAINT

v.

NSA,

Defendants,

(SI)

WALL, M.J.

I request a Court ORDER ordering the release of all requested information from the NSA. Exhibit A will
Show proof of service and exhibit B will show there response. Exhibit A and C will show an appeal to
There denial. They have this info or have access to it. They should of released it and responded to
The appeal. Failure to respond violates FOIA guide lines. Exhibit D will show my appeal request.
They cannot fail to respond to a request

Gilbert Roman Pro Se
95-25 77th st
Ozone pk., NY 11416
516-458-9105

Gilbert Roman

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 09 2009 ★
LONG ISLAND OFFICE

US District Court For
The Eastern District of NY

Gilbert Roman, Plaintiff,

v.

AFFIDAVIT/AFFIRMATION

NSA, Defendants,

I Gilbert Roman says the following affirmation under penalty of perjury:

I Gilbert Roman, am the Plaintiff in the above entitled action, and respectfully move this
Court to issue an ORDER to release all requested information from the defendants.

The reason I am entitled to the relief I seek is the following: Under the Freedom of Information Act
5 USC Sec. 552; and Under Vaughn v. Rosen 484 F2d 820 (Dir Cir 1973), Cert. den. 415 US 977
(1974) an agency must respond to a request and release requested info. They can not
Fail to respond.

Respectfully Submitted
Gilbert Roman Pro Se
95-25 77th st
Ozone pk., NY 11416
516-458-9105



US District Court For
The Eastern District of NY

Gilbert Roman, Plaintiff,

v.

AFFIRMATION OF SERVICE

NSA, Defendants,

I Gilbert Roman, declare under penalty of perjury that I have served a copy of the attached

SUMMONS, COMPLAINT and supporting papers on: Pamela N. Phillips Acting Initial Denial Auth.
NSA
Ft. Meade, MD 20755

Dated 7-8-09

Gilbert Roman
95-25 77th st
Ozone pk., NY 11416
516-458-9105



Process Clark office
US Attorney's office
610 Federal Plaza
Central Islip, NY 11722

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>Rosemary</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: FOIA officer NSA H. Meade, Maryland 20755-6000		B. Received by (Printed Name) <i>Rosemary</i>	
		C. Date of Delivery 3-11-09	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

9512 4068 2756 0000 1140 2008

U.S. Postal Service TM		
CERTIFIED MAIL [®] RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
OFFICIAL USE		
Postage	\$ 0.42	0793
Certified Fee	\$2.70	22
Return Receipt Fee (Endorsement Required)	\$2.20	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.32	04/08/2009
Sent to <i>FOIA Appeal Authority</i>		
Street, Apt. No., or PO Box No. <i>NSA</i>		
City, State, ZIP+4 [®] <i>H. Meade, MD 20755-6000</i>		
PS Form 3800, August 2008 See Reverse for Instructions		

Exhibit A



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 58310
1 April 2009

Mr. Gilbert Roman
95-25 77th Street
Ozone Park, NY 11416

Dear Mr. Roman:

This responds to your Freedom of Information Act (FOIA) request of 6 March 2009, which was received by this office on 11 March 2009, for information on functional magnetic resonance imaging, the date it was put into service, and the first successful report on the first person it was used on successfully.

For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. As such, you are allowed 2 hours of search and the duplication of 100 pages at no cost. There are no assessable fees for this request.

The National Security Agency/Central Security Service (NSA/CSS) is the nation's cryptologic organization, and we have a twofold mission. Our Information Assurance mission is to provide solutions, products, and services to protect U.S. information infrastructures critical to national security interests. In response to requirements set at the highest levels of government, our Signals Intelligence mission is to collect, process, and disseminate intelligence information from foreign signals for national foreign intelligence..... and counterintelligence purposes and to support military operations. Therefore, the information you request does not fall within the purview of this Agency, and a search for records responsive to your request would not be productive.

The fact that we have determined the subject of your request does not fall within the purview of this Agency may be considered by you as an adverse determination. You are hereby advised of this Agency's appeal procedures. Any person notified of an adverse determination may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the initial denial

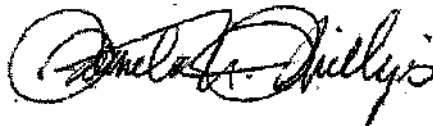
Exhibit B

FOIA Case: 58310

letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJP4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. To aid in processing the appeal, it should reference the adverse determination and explain in sufficient detail and particularity the grounds upon which you believe a search is warranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent unusual circumstances.

We have enclosed a fact sheet describing NSA/CSS's mission, which we hope you will find useful and informative.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela N. Phillips". The signature is fluid and cursive, with the first name "Pamela" being more prominent.

PAMELA N. PHILLIPS
Acting Initial Denial Authority

B



Track/Confirm - Intranet Item Inquiry
Item Number: 7008 1140 0000 9512 4068

The item(s) you queried are summarized below. If you would like to request a delivery record check the box in the "Select" column to the right of the item (If available). Learn more about [Restore](#).

Detail	Item	Origin	Destination	Firm	Recipient	Event/Image Info	Date	Time	Select
Archived	70081140000095124068		20755		EVERD	DELIVERED	4/10/2009	12:51	<input type="checkbox"/>

[Request Delivery Record for Selected Items](#)

Enter Request Type and Item Number:

Quick Search ☒ Extensive Search ☐

[Explanation of Quick and Extensive Searches](#)

Version 1.0

Inquire on [multiple items](#).

Go to the Product Tracking System [Home Page](#).

Exhibit C

Gilbert Roman
95-25 77th st
Ozone Pk., Ny 11416

Re: FOIA CASE # 58310

This is an appeal of your denial letter dated April 1, 2009. This appeal is made under
The Freedom of Information Act and/or privacy Act of 1974. I request the release of all
Requested information. I am a US citizen and as such you should guide me to which
Agency has these records. Attached you shall find copies of my request and your denial.

Thank You

Exhibit D